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67108-048**REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1, 3-5 and 7-15 are currently pending and stand rejected. No new matter has been added.

§ 103 rejection

Claims 1, 4-5, 7 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,473,411 to Kumaki et al. ("Kumaki") in view of U.S. Patent No. 6,628,632 to Dolan ("Dolan"). Applicant respectfully traverses this rejection.

The Office Action admitted that Kumaki does not specifically disclose waiting for an indication from the wireless communication to switch to the new base station, but asserted that it would have been obvious to modify Kumaki according to the teachings of Dolan at Figure 3 and at col. 6, line 1 to col. 7, line 5 to include the step of waiting for the indication to switch to the new base station (p. 3). Applicant respectfully disagrees.

Contrary to the Office Action's assertion, Dolan does not teach the claimed waiting and switching steps because Dolan does not even show switching to a new base station from an old base station. Instead, Dolan only teaches controlling communication traffic between a wireless terminal 111 and both a primary base station 100 and a secondary base station 101; that is, allowing both base stations 100, 101 to service a call simultaneously. The "switching center 120" in Dolan does not even conduct switching, but instead merely receives a handoff signal from the primary base station 100 that includes information identifying the secondary base station 101 (Figure 3, col. 6, line 59-66). In other words, Dolan teaches providing redundant data transmissions to two or more base stations during a soft handoff when the primary base station 100 becomes aware of the identity of a neighboring base station that can be added to the call it is servicing (col. 7, lines 16-24).

As shown in Figure 3, the call is never switched to the secondary base station in Dolan. Moreover, Dolan does not teach waiting for any indication from the wireless communication system before switching to the secondary base station 101. Instead, Dolan teaches communicating with the secondary base station 101 in addition to the primary base station 100 as soon as the secondary base station 101 sends a soft handoff acknowledgement to the primary base station 101. The wireless terminal 111 then merely notifies the primary base station 100 of

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the completed soft handoff (col. 6, lines 49-66). Thus, rather than waiting and receiving downlink data from a previous base station until an actual indication to switch to a new base station, the wireless terminal 111 in Dolan merely conducts redundant communication with two base stations simultaneously when the system indicates that the soft handoff is completed (not when the system provides an indication to switch).

Although Kumaki teaches switching generally, Kumaki also fails to show switching to a new base station in response to an indication to switch. Instead, Kumaki merely switches as soon as a mobile supporting router associated with the new base station knows the IP address of the mobile terminal 201 (col. 22, lines 21-46). At best, combining Kumaki with Dolan suggests using a handoff completion message as a trigger (Kumaki) to connect a wireless terminal with both a primary and a secondary base station (Dolan). Neither Kumaki nor Dolan teach waiting for an indication to switch to a new base station or receiving downlink data from a previous base station until the indication to switch.

Independent claim 1, by contrast, recites waiting for an indication to switch to a new base station, receiving downlink data from the previous base station until the switch indication, and switching to the new base station in response to the indication. Unlike Dolan, claim 1 does not require redundant transmissions to both the previous base station and the new base station, nor does it require data associated with the previous base station to be transmitted or forwarded to the new base station. Instead, claim 1 recites switching to the new base station, not merely adding the new base station connection to a wireless terminal that is already connected to the previous base station. Also, unlike Kumaki, claim 1 recites receiving downlink data from a previous base station until the switch indication rather than switching to a new base station automatically as soon as it knows the IP address of the mobile terminal.

Because neither Kumaki nor Dolan teach waiting for an indication from the wireless communication system to switch to a new base station or switching to a new base station in response to an indication to switch, the Office Action fails to establish a prima facie case of obviousness with respect to claims 1, 4-5, 7 and 12-15. Withdrawal of the rejection is therefore respectfully requested.

Claims 3 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumaki in view of Dolan in further in view of U.S. Patent No. 6,574,211 to Padovani et al.

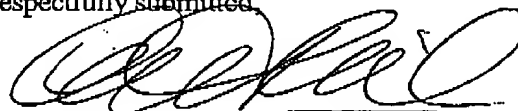
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("Padovani"). Applicant respectfully traverses this rejection. Claims 3 and 8-9 depend on patentable independent claim 1 and are therefore patentable for the reasons explained above. Adding Padovani still fails to teach the claimed invention because Padovani focuses on packet data transmission, not base station switching; thus, Padovani also fails to teach the claimed waiting, receiving and switching steps. Withdrawal of the rejection is therefore respectfully requested.

Claims 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumaki in view of Dolan and further in view of EP 1 059 820 A2 to Forssell et al. ("Forssell"). Applicant respectfully traverses this rejection. Claims 10-11 depend on patentable independent claim 1 and are therefore also patentable for the reasons explained above. Adding Forssell still fails to teach the claimed invention because Forssell also fails to teach the claimed waiting step. Withdrawal of the rejection is therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

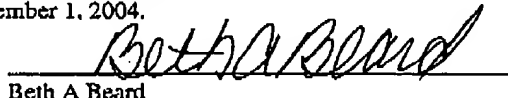


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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on September 1, 2004.


Beth A. Beard

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